



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/784,665

02/15/2001

Yiqun Wang

1001.1412101

2225

28075 7590 11/20/2009
CROMPTON, SEAGER & TUFTE, LLC
1221 NICOLLET AVENUE
SUITE 800
MINNEAPOLIS, MN 55403-2420

EXAMINER

HORNBERGER, JENNIFER LEA

ART UNIT

PAPER NUMBER

3734

MAIL DATE

DELIVERY MODE

11/20/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/784,665	Applicant(s) WANG ET AL.	
	Examiner JENNIFER L. HORNBERGER	Art Unit 3734	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08/03/2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22, 24-28 and 30-36 is/are pending in the application.
- 4a) Of the above claim(s) 31-34 and 36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22, 24-28 and 30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 3734

DETAILED ACTION

1. Claims 22, 24-28, and 30-36 are pending. Claims 31-34 and 36 are currently withdrawn.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 22, 24-28, 30, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto et al. (US 4,610,665) in view of Picha et al. (US 5,080,654).

Regarding claims 22, 27, and 35, Matsumoto et al. disclose a catheter (70), comprising: an elongate catheter shaft (71) having a proximal end, a distal end, a guidewire lumen (72) defined therethrough, and an inflation lumen (75) defined therethrough; a balloon (74) disposed adjacent the distal end of the catheter shaft, the balloon being in fluid communication with the inflation lumen; a port (76) disposed at the proximal end of the catheter shaft, the port having an opening defined therein that is in fluid communication with the inflation lumen, and a self-sealing seal member (16) attached to the end of the port and covering the opening (Fig. 16 and 17). Matsumoto et al. fail to disclose the seal member being releasably attached to the flanged end. Picha et al. disclose a self-sealing seal member (20) that is releasably attached the flanged end of a port, and the flange helps to secure the elastomeric seal in place (col. 3, ln. 6-42). It would have been obvious to one of ordinary skill in the art to substitute the seal assembly of Matsumoto et al. with the seal assembly Picha et al. since it is a well known feature as taught by Picha and it would provide the same function of maintaining a fluid-tight seal during insertion of and after removal of an injection member. Substitution of one known element for another

Art Unit: 3734

element providing the same function to yield predictable results would have been obvious to one of ordinary skill in the art at the time of the invention.

Regarding claim 24, Picha et al. disclose the seal is generally planar at the proximal end (Fig. 4).

Regarding claim 25, Picha et al. disclose the seal extends laterally beyond the flanged end (15) of the port (Fig. 4).

Regarding claim 26, Picha et al. disclose the seal is pierceable (col. 3, ln. 12 and 56-58).

Regarding claim 28, Picha et al. disclose the seal (20) defines the proximal-most end of the port (Fig. 4).

Regarding claim 30, Picha et al. disclose a cap (30) coupled to the port and disposed over the seal (Fig. 5).

Response to Arguments

4. Applicant's arguments, see pages 2 and 3, filed 08/03/2009, with respect to the rejection(s) of claim(s) 22, 24-28, and 35, under 35 U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Matsumoto et al. and Picha et al.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JENNIFER L. HORNBERGER whose telephone number is (571)270-3642. The examiner can normally be reached on Monday through Friday from 8am-5pm, Eastern time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Todd Manahan can be reached on (571)272-4713. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3734

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

jlh

11/10/2009

/Todd E Manahan/

Supervisory Patent Examiner, Art Unit 3734